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TO

Relieve Tenants in Ireland by limiting the Costs which  
may be incurred, and facilitating the redemption of Lands  
in certain cases of Ejectment.

A.D. 1880.

WHEREAS it has been the policy of the Legislature to reduce  
the expenses of litigation for various classes of suitors in  
Ireland, and it is expedient to extend similar benefits to Irish  
tenants in order to protect them against the oppressive charges to  
which they are still liable in certain cases, and to enable them to  
avail themselves at a reasonable cost of certain legal rights.

Be it therefore enacted by the Queen's most Excellent Majesty,  
by and with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled, and  
by the authority of the same, as follows :

1. Whenever an action for the recovery of land, whether for  
nonpayment of rent or for overholding after the ending or deter-  
mination of a tenancy, is brought in Her Majesty's High Court of  
Justice in Ireland, in any case in which the plaintiff in such action  
could have sued for the recovery of such lands in the County  
or Civil Bill Court of the County in which such lands are situate,  
the plaintiff in any such action shall not be entitled to any costs,  
unless the Divisional Court to which such action is attached shall  
by order, and for reasons to be specified in such order, declare  
the said plaintiff entitled to costs.

*Limitation of  
costs in cer-  
tain actions.*

2. Every writ of summons for the recovery of land for non-  
payment of rent in an action commenced in Her Majesty's High  
Court of Justice in Ireland, in any case where the plaintiff in such  
action could have sued for the recovery of such land for non-  
payment of rent in the County or Civil Bill Court of the County  
in which such lands are situate, shall have endorsed thereon a  
statement of the amount claimed to be due to the landlord after  
all fair and just allowances up to the time of commencing such

*Endorse-  
ment on  
writ in such  
cases.  
23 & 24 Vict.  
c. 154. s. 65.*

[Bill 149.]

A.D. 1880.

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action, and the times at which such rent accrued due, and that if the amount thereof, together with a sum for costs not exceeding *ten shillings*, be paid to the plaintiff, or his solicitor or known agent or receiver within *ten days* from the service of such writ of summons all further proceedings will be stayed; and upon such payment or tender within the time so mentioned of the sum so claimed and costs, to the plaintiff or his solicitor or other known agent or receiver, all further proceedings in respect of the rent claimed shall cease and be stayed accordingly.

Tender  
before writ  
of Habere  
executed.  
23 & 24 Vict.  
c. 184. s. 63.

3. In any action commenced in Her Majesty's High Court 10  
of Justice in Ireland for the recovery of land for nonpayment  
of rent, in any case where the plaintiff could have sued for the  
recovery of such land for nonpayment of rent in the County  
Court or Civil Bill Court of the county in which such land is  
situate, it shall be lawful for the defendant or any other person 15  
having a specific interest in the lease or other contract of tenancy,  
at any time before the writ of possession shall have been executed,  
to pay to the plaintiff in the said action, or his solicitor or known  
agent, all rent and arrears due at the commencement of the action,  
together with the costs, if any, to which the court shall have 20  
declared the plaintiff to be entitled, or to tender the same; and in  
case such tender shall be refused to deposit the money with the  
clerk of the peace of the county in which the said lands are situate,  
for which lodgment a certificate and duplicate shall be given in the  
manner prescribed by the Landlord and Tenant Law Amendment 25  
Act, Ireland, 1860, sect. 61; thereupon it shall be lawful for the  
chairman of quarter sessions for such county to order all further  
proceedings to be stayed and to cease, upon the payment of such  
further costs up to the date of such tender as he shall deem to be  
reasonable; and the money so lodged with the clerk of the peace 30  
shall be paid over to the plaintiff, or his administrator, executor, or  
attorney on demand; and the decision of the county court judge  
and chairman of quarter sessions shall be subject to appeal, in like  
manner as if it were a decree or dismissal on a civil bill ejectment for  
nonpayment of rent.

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Power of  
applying to  
Civil Bill  
Court for  
restoration of  
land in cer-  
tain cases  
after execu-  
tion of  
Habere.

4. Whenever, in any action commenced in Her Majesty's High  
Court of Justice in Ireland for the recovery of land for nonpayment  
of rent, in any case where the plaintiff could have sued for the  
recovery of such land for nonpayment of rent in the County Court  
or Civil Bill Court of the county in which such land is situate, the 40  
defendant or other person having a specific interest in the tenancy  
or land shall suffer the writ of possession to be executed putting

the landlord in possession of the premises, without paying the rent stated in the said writ to be due, and the costs, if any, which the court shall have declared the plaintiff entitled to, or lodging the same with the clerk of the peace of the county in which the lands are situate in the manner herein-before prescribed, if the defendant or such other person shall, within *six calendar months* after the execution of the said writ of possession, pay to the landlord or lodge with the said clerk of the peace the amount of the said rent and costs, and shall also make an application to be restored to the possession of the said premises to the county court judge and chairman of quarter sessions for said county within the said period of six months, or at the earliest opportunity after on which application can be made, and of which application the landlord shall receive due notice, it shall be lawful for the said county court judge and chairman of quarter sessions to hear and determine the claim of the said defendant or such other person to be restored to the possession of said premises, and to give such relief therein as Her Majesty's High Court of Justice might have given, and to award a writ of restitution or to refuse such application; and it shall be lawful for any person aggrieved by the order or decision of such county court judge and chairman of quarter sessions made on the hearing of such application to appeal therefrom to the next going judge of assize for the county, on entering into a recognizance for the payment of the costs already incurred, and to abide the order of the said judge on such appeal, and such judge of assize upon such appeal shall have authority to make such order touching the application as shall seem just.

5. This Act may be cited as the Limitation of Costs (Ireland) Act.

A.D. 1899.

Short title.

**Limitation of Costs  
(Ireland).**

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**B I L L**

To relieve Tenants in Ireland by limiting the Costs which may be incurred, and facilitating the redemption of Lands in certain cases of Ejectment.

*(Proposed and brought in by  
Mr. Parnell and Mr. O'Shea.)*

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*Ordered, by The House of Commons, to be Printed  
21 May 1880.*

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[Tab 140]

*Order 1. 10.*